

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jean Conquistador,

Complainant

against

Docket #FIC 2018-0532

Commissioner, State of Connecticut,
Department of Correction; and
State of Connecticut,
Department of Correction,

Respondents

May 8, 2019

The above-captioned matter was heard as a contested case on April 5, 2019, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, on an "Inmate Request Form," dated September 5, 2018, the complainant requested the opportunity to inspect various Department of Correction Administrative Directives.
3. It is found that, on September 6, 2018, the respondents informed the complainant, in writing, that the administrative directives are "readily available" and instructed the complainant to "utilize your unit's library session to inspect" them.
4. By letter filed September 9, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by permitting him to inspect the requested records only one hour per month, rather than "at [his] convenience."
5. Section 1-200(5), G.S., provides:

“[p]ublic records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides, in relevant part:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours

7. It is found that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

8. According to the complainant, inmates are permitted to utilize the facility’s library for only one hour per month, and this makes it “virtually impossible” for him to inspect all of the requested administrative directives.

9. It is found that the complainant failed to allege that the respondents denied his right to inspect the records; rather, the gravamen of his complaint is that he should be provided with more time to inspect the records than what is allowed by the respondents. Although it may take the complainant longer to review all of the records when reviewing them for only one hour per month than it would if he were permitted unlimited access to the library, it is found that the respondents did not deny the complainant’s request to inspect the requested records.

10. It is therefore concluded that the respondents did not violate the FOI Act.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 8, 2019.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

JEAN CONQUISTADOR, #341088, Garner Correctional Institution, 50 Nunnawauk Road, Newtown, CT 06470

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney Tracie C. Brown, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission